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SENATE BILL 265

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO PROFESSIONAL LICENSING; CHANGING HIRING PRACTICES
FOR PROFESSIONAL BOARDS AND COMMISSIONS; AMENDING, REPEALING
AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-16-9 NMSA 1978 (being Laws 1983,
Chapter 297, Section 25) is amended to read:

"9-16-9. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--

A. The administrative services division of the
department shall provide administrative services to the
department, including:

- (1) keeping all official records of the
department;
- (2) providing clerical services in the areas
of personnel and budget preparation; and

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1 (3) providing clerical, record-keeping and
2 administrative support to agencies, boards and commissions
3 administratively attached to the department.

4 B. The division shall, in addition to its other
5 duties, coordinate long- and short-term planning of the
6 department and administer programs and grants which have been
7 assigned generally to the department by the governor or by
8 statute. "

9 Section 2. Section 61-2-6 NMSA 1978 (being Laws 1973,
10 Chapter 353, Section 5, as amended) is amended to read:

11 "61-2-6. ORGANIZATION--MEETINGS--COMPENSATION--POWERS AND
12 DUTIES.--

13 A. The board shall annually elect a chairman, a
14 vice chairman and a secretary-treasurer, each of whom shall
15 serve until his successor is elected and qualified.

16 B. The board shall meet at least annually for the
17 purpose of examining candidates for licensure. Special
18 meetings may be called by the chairman and shall be called upon
19 the written request of a majority of the board members. A
20 majority of the board members currently serving constitutes a
21 quorum.

22 C. Members of the board may be reimbursed as
23 provided in the Per Diem and Mileage Act but shall receive no
24 other compensation, perquisite or allowance.

25 D. The board shall:

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1 (1) administer and enforce the provisions of
2 the Optometry Act;

3 (2) adopt, publish and file, in accordance
4 with the Uniform Licensing Act and the State Rules Act, all
5 rules and regulations for the implementation and enforcement of
6 the provisions of the Optometry Act;

7 (3) adopt and use a seal;

8 (4) administer oaths and take testimony on any
9 matters within the board's jurisdiction;

10 (5) keep an accurate record of all its
11 meetings, receipts and disbursements;

12 (6) keep a record of all examinations held,
13 together with the names and addresses of all persons taking the
14 examinations and the examination results. Within thirty days
15 after any examination, the board shall give written notice to
16 each applicant examined of the results of the examination as to
17 the respective applicant;

18 (7) certify as passing each applicant who
19 obtains a grade of at least seventy-five percent on each
20 subject upon which he is examined; providing that any applicant
21 failing may apply for reexamination at the next scheduled
22 examination date;

23 (8) keep a book of registration in which the
24 name, address and license number of all licensees shall be
25 recorded, together with a record of all license renewals,

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1 suspensions and revocations;

2 (9) grant, deny, renew, suspend or revoke
3 licenses to practice optometry in accordance with the
4 provisions of the Uniform Licensing Act for any cause stated in
5 the Optometry Act;

6 (10) develop and administer qualifications for
7 certification for the use of topical ocular pharmaceutical
8 agents and oral pharmaceutical agents as authorized in Section
9 61-2-10.2 NMSA 1978, including minimum educational requirements
10 and examination, as required by Section 61-2-10 NMSA 1978 and
11 provide the board of pharmacy with an annual list of
12 optometrists certified to use topical ocular pharmaceutical
13 agents and oral pharmaceutical agents as authorized in Section
14 61-2-10.2 NMSA 1978; and

15 (11) provide for the suspension of an
16 optometrist's license for sixty days upon a determination of
17 use of pharmaceutical agents without prior certification in
18 accordance with Section 61-2-10 NMSA 1978, after proper notice
19 and an opportunity to be heard before the board [~~and~~

20 ~~(12) have the power to employ agents or~~
21 ~~attorneys].~~

22 E. In carrying out its powers and duties pursuant
23 to this section, the board shall use clerical, record-keeping
24 and administrative support staff hired by the regulation and
25 licensing department to which the board shall be

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1 administratively attached."

2 Section 3. Section 61-3-10 NMSA 1978 (being Laws 1968,
3 Chapter 44, Section 7, as amended) is amended to read:

4 "61-3-10. POWERS--DUTIES.--The board:

5 A. shall adopt and revise such rules and
6 regulations as may be necessary to enable it to carry into
7 effect the provisions of the Nursing Practice Act and to
8 maintain high standards of practice;

9 B. shall prescribe standards and approve curricula
10 for educational programs preparing persons for licensure under
11 the Nursing Practice Act;

12 C. shall provide for surveys of educational
13 programs preparing persons for licensure under the Nursing
14 Practice Act;

15 D. shall grant, deny or withdraw approval from
16 educational programs for failure to meet prescribed standards,
17 [~~provided that~~] if a majority of the board concurs in [~~any~~] the
18 decision;

19 E. shall provide for the examination, licensing and
20 renewal of licenses of applicants;

21 F. shall conduct hearings upon charges relating to
22 discipline of a licensee or the denial, suspension or
23 revocation of a license in accordance with the procedures of
24 the Uniform Licensing Act;

25 G. shall cause the prosecution of all persons,

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1 including firms, associations, institutions and corporations,
2 violating the Nursing Practice Act and have the power to incur
3 such expense as is necessary therefor;

4 H. shall keep a record of all proceedings;

5 I. shall make an annual report to the governor;

6 ~~[J. shall appoint and employ a qualified registered~~
7 ~~nurse, who shall not be a member of the board, to serve as~~
8 ~~executive officer to the board, who shall define the duties and~~
9 ~~responsibilities of the executive officer, except that the~~
10 ~~power to grant, deny or withdraw approval for schools of~~
11 ~~nursing or to revoke, suspend or withhold any license~~
12 ~~authorized by the Nursing Practice Act shall not be delegated~~
13 ~~by the board;~~

14 ~~K. shall provide for such qualified assistants as~~
15 ~~may be necessary to carry out the provisions of the Nursing~~
16 ~~Practice Act. Such employees shall be paid a salary~~
17 ~~commensurate with their duties;~~

18 ~~E.]~~ J. shall, for the purpose of protecting the
19 health and well-being of the citizens of New Mexico and
20 promoting current nursing knowledge and practice, adopt rules
21 and regulations establishing continuing education requirements
22 as a condition of license renewal and shall study methods of
23 monitoring continuing competence;

24 ~~[M.]~~ K. may appoint advisory committees consisting
25 of at least one member who is a board member and at least two

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1 members expert in the pertinent field of health care to assist
2 it in the performance of its duties. Committee members may be
3 reimbursed as provided in the Per Diem and Mileage Act;

4 [N-] L. may adopt and revise rules and regulations
5 designed to maintain an inactive status listing for registered
6 nurses and licensed practical nurses;

7 [O-] M. may adopt rules and regulations to regulate
8 the advanced practice of professional registered nursing and
9 expanded practice of licensed practical nursing;

10 [P-] N. shall license qualified certified nurse
11 practitioners, certified registered nurse anesthetists and
12 clinical nurse specialists; [and

13 ~~Q-~~ O. shall adopt rules and regulations
14 establishing standards for authorizing prescriptive authority
15 to certified nurse practitioners and clinical nurse
16 specialists; and

17 P. in carrying out its powers and duties pursuant
18 to this section, shall use clerical, record-keeping and
19 administrative support staff hired by the regulation and
20 licensing department to which the board shall be
21 administratively attached. "

22 Section 4. Section 61-4-3 NMSA 1978 (being Laws 1968,
23 Chapter 3, Section 3, as amended) is amended to read:

24 "61-4-3. BOARD CREATED-- APPOINTMENT-- OFFICERS-- DUTIES--
25 COMPENSATION. --

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1 A. There is created the "chiropractic board". The
2 board shall consist of six persons. Four shall have been
3 continuously engaged in the practice of chiropractic in New
4 Mexico for five years immediately prior to their appointment.
5 Two persons shall represent the public and shall not have
6 practiced chiropractic in this state or any other jurisdiction.
7 [No] A person shall not be appointed to the board [who] if that
8 person is an officer or employee of or [who] is financially
9 interested in any school or college of chiropractic, medicine,
10 surgery or osteopathy.

11 B. Members of the board shall be appointed by the
12 governor for staggered terms [~~one of the members shall be~~
13 ~~appointed for a term ending July 1, 1980, one for a term ending~~
14 ~~July 1, 1981, one for a term ending July 1, 1982, one for a~~
15 ~~term ending July 1, 1983 and one for a term ending July 1,~~
16 ~~1984. Thereafter, appointments shall be made for terms]~~ of
17 five years or less and [be made] in such a manner that the term
18 of one board member expires on July 1 of each year. A list of
19 five names for each professional member vacancy shall be
20 submitted by the New Mexico chiropractic [associations]
21 association to the governor for his consideration in the
22 appointment of board members. A vacancy shall be filled by
23 appointment for the unexpired term. Board members shall serve
24 until their successors have been appointed and qualified.

25 C. The board shall annually elect a chairman and a

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1 secretary-treasurer. A majority of the board constitutes a
2 quorum. The board shall meet quarterly. Special meetings may
3 be called by the chairman and shall be called upon the written
4 request of two members of the board. Notification of special
5 meetings shall be made by certified mail unless such notice is
6 waived by the entire board and the action noted in the minutes.
7 Notice of all regular meetings shall be made by regular mail at
8 least ten days prior to the meeting, and copies of the minutes
9 of all meetings shall be mailed to each board member within
10 thirty days after any meeting.

11 D. ~~[Any]~~ A board member failing to attend three
12 consecutive meetings, either regular or special, shall
13 automatically be removed as a member of the board.

14 E. The board shall adopt a seal.

15 F. The board shall promulgate and file, in
16 accordance with the State Rules Act, all rules and regulations
17 necessary for the implementation and enforcement of the
18 provisions of the Chiropractic Physician Practice Act,
19 including educational requirements for a chiropractic
20 assistant.

21 G. The board shall cause examinations to be held at
22 least twice a year, and all applicants shall be notified in
23 writing of each examination.

24 H. The board, for the purpose of protecting the
25 health and well-being of the citizens of this state and

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1 maintaining and continuing informed professional knowledge and
2 awareness, shall establish by regulations adopted in accordance
3 with the provisions of the Uniform Licensing Act mandatory
4 continuing education requirements for chiropractors licensed in
5 this state.

6 I. Failure to comply with the rules and regulations
7 adopted by the board shall be grounds for investigation, which
8 may lead to revocation of license.

9 J. Members of the board shall be reimbursed as
10 provided in the Per Diem and Mileage Act, but shall not receive
11 [no] other compensation, perquisite or allowance, for each day
12 necessarily spent in the discharge of their duties.

13 K. In carrying out its duties pursuant to this
14 section, the board shall use clerical, record-keeping and
15 administrative support staff hired by the regulation and
16 licensing department to which the board shall be
17 administratively attached."

18 Section 5. Section 61-5A-10 NMSA 1978 (being Laws 1994,
19 Chapter 55, Section 10) is amended to read:

20 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND
21 COMMITTEE. -- In addition to any other authority provided by law,
22 the board or the committee [~~shall have the power~~] has authority
23 to:

24 A. enforce and administer the provisions of the
25 Dental Health Care Act;

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1 B. adopt, publish, [~~and~~] file and revise, in
2 accordance with the Uniform Licensing Act and the State Rules
3 Act, all rules and regulations as may be necessary to:

4 (1) regulate the examination and licensure of
5 dentists and, through the committee, regulate the examination
6 and licensure of dental hygienists;

7 (2) provide for the examination and
8 certification of dental assistants by the board;

9 (3) provide for the regulation of dental
10 technicians by the board; and

11 (4) regulate the practice of dentistry, dental
12 assisting and, through the committee, regulate the practice of
13 dental hygiene;

14 C. adopt and use a seal;

15 D. administer oaths to all applicants, witnesses
16 and others appearing before the board or the committee, as
17 appropriate;

18 E. keep an accurate record of all meetings,
19 receipts and disbursements;

20 F. grant, deny, review, suspend and revoke licenses
21 and certificates to practice dentistry, dental assisting and,
22 through the committee, dental hygiene and censure, reprimand,
23 fine and place on probation and stipulation dentists, dental
24 assistants and, through the committee, dental hygienists, in
25 accordance with the Uniform Licensing Act for any cause stated

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1 in the Dental Health Care Act;

2 G. maintain records in which the name, address and
3 license number of all licensees shall be recorded, together
4 with a record of all license renewals, suspensions,
5 revocations, probations, stipulations, censures, reprimands and
6 fines;

7 ~~[H. hire staff and administrators as necessary to~~
8 ~~carry out the provisions of the Dental Health Care Act;~~

9 ~~I.]~~ H. establish ad hoc committees whose members
10 shall be appointed by the chairman with the advice and consent
11 of the board or committee, as it deems necessary for carrying
12 on its business;

13 ~~[J. have the authority to]~~ I. pay per diem and
14 mileage to individuals who are appointed by the board or the
15 committee to serve on ad hoc committees;

16 ~~[K. have the authority to hire or contract with~~
17 ~~investigators to investigate possible violations of the Dental~~
18 ~~Health Care Act;~~

19 ~~L. have the authority to hire an attorney to give~~
20 ~~advice and counsel in regard to any matter connected with the~~
21 ~~duties of the board and the committee, to represent the board~~
22 ~~or the committee in any legal proceedings and to aid in the~~
23 ~~enforcement of the laws in relation to the Dental Health Care~~
24 ~~Act and to fix the compensation to be paid to such attorney;~~
25 ~~provided, however, such attorney shall be compensated from the~~

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1 ~~funds of the board;~~

2 ~~M have the authority to~~ J. issue investigative
3 subpoenas prior to the issuance of a notice of contemplated
4 action for the purpose of investigating complaints against
5 dentists, dental assistants and, through the committee, dental
6 hygienists licensed under the Dental Health Care Act; ~~and~~

7 ~~N.]~~ K. establish continuing education or continued
8 competency requirements for dentists, certified dental
9 assistants in expanded functions, dental technicians and,
10 through the committee, dental hygienists; and

11 L. in carrying out its powers and duties pursuant
12 to this section, use clerical, record-keeping and
13 administrative support staff hired by the regulation and
14 licensing department to which the board shall be
15 administratively attached. "

16 Section 6. Section 61-6-5 NMSA 1978 (being Laws 1973,
17 Chapter 361, Section 2, as amended) is amended to read:

18 "61-6-5. DUTIES AND POWERS. --The board shall:

19 A. enforce and administer the provisions of the
20 Medical Practice Act, the Physician Assistant Act and the
21 Impaired ~~Physician~~ Health Care Provider Act;

22 B. adopt, publish and file, in accordance with the
23 Uniform Licensing Act and the State Rules Act, all rules and
24 regulations for the implementation and enforcement of the
25 provisions of the Medical Practice Act, the Physician Assistant

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1 Act and the Impaired ~~Physician~~ Health Care Provider Act;

2 C. adopt and use a seal;

3 D. administer oaths to all applicants, witnesses
4 and others appearing before the board, as appropriate;

5 E. take testimony on any matters within the board's
6 jurisdiction;

7 F. keep an accurate record of all its meetings,
8 receipts and disbursements;

9 G. keep a record of all examinations held, together
10 with the names and addresses of all persons taking the
11 examinations and the examination results, and at the earliest
12 date possible give written examination results to each
13 applicant examined;

14 H. certify as passing each applicant who obtains a
15 passing grade indicating successful completion of each subject
16 upon which he is examined;

17 I. maintain records in which the name, address and
18 license number of all licensees shall be recorded, together
19 with a record of all license renewals, suspensions,
20 revocations, probations, stipulations, censures, reprimands and
21 fines;

22 J. grant, deny, review, suspend and revoke licenses
23 to practice medicine and censure, reprimand, fine and place on
24 probation and stipulation physicians in accordance with the
25 Uniform Licensing Act for any cause stated in the Medical

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1 Practice Act;

2 ~~[K. hire staff and administrators as necessary to~~
3 ~~carry out the provisions of the Medical Practice Act;~~

4 ~~L. have the authority to hire or contract with~~
5 ~~investigators to investigate possible violations of the Medical~~
6 ~~Practice Act;~~

7 ~~M. have the authority to hire a competent attorney~~
8 ~~to give advice and counsel in regard to any matter connected~~
9 ~~with the duties of the board, to represent the board in any~~
10 ~~legal proceedings and to aid in the enforcement of the laws in~~
11 ~~relation to the medical profession and to fix the compensation~~
12 ~~to be paid to such attorney; provided, however, that such~~
13 ~~attorney shall be compensated from the funds of the board,~~
14 ~~including those provided for in Section 61-6-28 NMSA 1978;~~

15 ~~N.]~~ K. establish continuing medical education
16 requirements for physicians and continuing education
17 requirements for physician assistants; [and

18 ~~θ.]~~ L. establish committees as it deems necessary
19 for carrying on its business; and

20 M. in carrying out its duties and powers pursuant
21 to this section, use clerical, record-keeping and
22 administrative support staff hired by the regulation and
23 licensing department to which the board shall be
24 administratively attached. "

25 Section 7. Section 61-7A-5 NMSA 1978 (being Laws 1989,

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1 Chapter 387, Section 5, as amended) is amended to read:

2 "61-7A-5. BOARD CREATED. --

3 A. There is created the "nutrition and dietetics
4 practice board" [~~administratively attached to the regulation~~
5 ~~and licensing department~~]. The board shall consist of five
6 members who are New Mexico residents and who are appointed by
7 the governor for staggered three-year terms. Three members
8 shall be licensed dietitians or nutritionists with at least
9 three years of nutrition or dietetics practice in New Mexico
10 and two members shall represent the public. There shall be at
11 least one dietitian and at least one nutritionist on the board
12 at all times. The public members shall not have been licensed
13 as [~~a dietitian or nutritionist~~] dietitians or nutritionists or
14 have any financial interest, direct or indirect, in the
15 professions regulated.

16 B. Each member shall hold office until the
17 expiration of the term for which appointed or until a successor
18 has been appointed. [~~Vacancies~~] A vacancy shall be filled for
19 the balance of the unexpired term within ninety days of the
20 vacancy by appointment by the governor.

21 C. [~~No~~] A board member shall not serve more than
22 two full terms.

23 D. The board shall elect annually a chairman and
24 such other officers as it deems necessary. The board shall
25 meet as often as necessary for the conduct of business, but no

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1 less than twice a year. Meetings shall be called by the
2 chairman or upon the written request of two or more members of
3 the board. Three members, at least two of whom are
4 professional members and at least one of whom is a public
5 member, shall constitute a quorum. [~~Any~~] A member failing to
6 attend, after proper notice, three consecutive meetings shall
7 automatically be removed as a board member.

8 E. The members of the board shall be reimbursed as
9 provided for nonsalaried public officers in the Per Diem and
10 Mileage Act and shall receive no other compensation, perquisite
11 or allowance. "

12 Section 8. Section 61-7A-6 NMSA 1978 (being Laws 1989,
13 Chapter 387, Section 6, as amended) is amended to read:

14 "61-7A-6. BOARD--DUTIES. --

15 A. The board shall:

- 16 (1) develop and administer an appropriate
17 examination for qualified applicants;
18 (2) evaluate the qualifications of applicants
19 for licensure under the Nutrition and Dietetics Practice Act;
20 (3) issue licenses to applicants who meet the
21 requirements of the Nutrition and Dietetics Practice Act;
22 (4) investigate persons engaging in practices
23 that may violate the provisions of the Nutrition and Dietetics
24 Practice Act;
25 (5) revoke, suspend or deny a license in

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1 accordance with the provisions of the Uniform Licensing Act;

2 (6) adopt an annual budget;

3 (7) adopt a code of ethics; and

4 (8) adopt in accordance with the Uniform

5 Licensing Act and file in accordance with the State Rules Act
6 rules and regulations necessary to carry out the provisions of
7 the Nutrition and Dietetics Practice Act; provided, no rule or
8 regulation may be adopted, amended or repealed except by a vote
9 of three-fifths of the board members.

10 B. The board may contract with the regulation and
11 licensing department for office space [~~and administrative~~
12 ~~support~~]. In carrying out its duties pursuant to this section,
13 the board shall use clerical, record-keeping and administrative
14 support staff hired by the department to which the board shall
15 be administratively attached."

16 Section 9. Section 61-8-6 NMSA 1978 (being Laws 1977,
17 Chapter 221, Section 6, as amended) is amended to read:

18 "61-8-6. BOARD ORGANIZATION--MEETINGS--COMPENSATION--
19 POWERS AND DUTIES.--

20 A. The board shall hold a regular meeting at least
21 annually and shall elect annually a chairman, vice chairman and
22 secretary-treasurer from its membership, each of whom shall
23 serve until his successor is selected and qualified.

24 B. The board shall hold a minimum of one
25 examination for licensure each year in the month of June or

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1 July at a place and at a time designated by the board. Notice
2 of the examination shall be given to all applicants at least
3 thirty days prior to the date of the examination.

4 C. Special meetings may be called by the chairman
5 and shall be called upon the written request of any three board
6 members. Notice of all meetings shall be made in conformance
7 with the Open Meetings Act.

8 D. Members of the board may be reimbursed as
9 provided in the Per Diem and Mileage Act, but shall not receive
10 [no] other compensation, perquisite or allowance.

11 E. The board shall:

12 (1) administer and enforce the provisions of
13 the Podiatry Act;

14 (2) adopt, publish and file, in accordance
15 with the Uniform Licensing Act and the State Rules Act, all
16 rules for the implementation and enforcement of the provisions
17 of the Podiatry Act;

18 (3) adopt and use a seal;

19 (4) conduct hearings, administer oaths and
20 take testimony on any matters within the board's jurisdiction;

21 (5) keep an accurate record of all its
22 meetings, receipts and disbursements;

23 (6) keep a record of all licensure
24 examinations held, together with the names and addresses of all
25 persons taking the examinations and the examination results.

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1 Within forty-five days after any examination, the board shall
2 give written notice to each applicant examined of the results
3 of the examination as to the respective applicant;

4 (7) certify as passing each applicant who
5 obtains a passing score, as defined by board rule, on
6 examinations administered or approved by the board;

7 (8) keep records of registration in which the
8 name, address and license number of all licensed podiatrists
9 are recorded, together with a record of all license renewals,
10 suspensions and revocations;

11 (9) grant, deny, renew, suspend or revoke
12 licenses to practice podiatry or take other actions provided in
13 Section 61-1-3 NMSA 1978 in accordance with the provisions of
14 the Uniform Licensing Act for any cause stated in the Podiatry
15 Act;

16 (10) adopt and promulgate rules setting
17 standards of preliminary and professional qualifications for
18 the practice of podiatry;

19 (11) adopt and promulgate rules and prepare
20 and administer examinations for the licensure and regulation of
21 podiatric assistants as are necessary to protect the public.
22 The rules shall include definitions and limitations on the
23 practice of podiatric assistants, qualifications for applicants
24 for licensure, an initial license fee in an amount not to
25 exceed two hundred fifty dollars (\$250) and a renewal fee not

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1 to exceed one hundred dollars (\$100) per year, provisions for
2 the regulation of podiatric assistants and provisions for the
3 suspension or revocation of licenses;

4 (12) determine by rule all qualifications and
5 requirements for applicants seeking licensure as podiatrists or
6 podiatric assistants;

7 (13) adopt rules and prepare and administer
8 examinations for applicants seeking licensure as foot and ankle
9 radiation technologists; and

10 (14) ~~[have the power to employ agents or~~
11 ~~attorneys]~~ in carrying out its powers and duties pursuant to
12 this section, use clerical, record-keeping and administrative
13 support staff hired by the regulation and licensing department
14 to which the board shall be administratively attached. "

15 Section 10. Section 61-9-6 NMSA 1978 (being Laws 1963,
16 Chapter 92, Section 5, as amended by Laws 1996, Chapter 51,
17 Section 7 and also by Laws 1996, Chapter 54, Section 4) is
18 amended to read:

19 "61-9-6. BOARD--MEETING--POWERS.--

20 A. The board shall, annually in the month of July,
21 hold a meeting and elect from its membership a chairman, vice
22 chairman and secretary-treasurer. The board shall meet at such
23 other times as it deems necessary or advisable or as deemed
24 necessary and advisable by the chairman or a majority of its
25 members or the governor. Reasonable notice of all meetings

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1 shall be given in the manner prescribed by the board. A
2 majority of the board constitutes a quorum at any meeting or
3 hearing.

4 B. The board is authorized to:

5 (1) adopt and [~~from time to time~~] revise such
6 rules and regulations not inconsistent with the law as may be
7 necessary to carry into effect the provisions of the
8 Professional Psychologist Act. Such rules and regulations
9 shall include [~~but not be limited to~~] a code of conduct for
10 psychologists and psychologist associates in the state;

11 [~~(2) employ, within the funds available, an~~
12 ~~administrator and other personnel necessary for the proper~~
13 ~~performance of its work under the Professional Psychologist~~
14 ~~Act;~~

15 ~~(3)]~~ (2) adopt a seal, and the administrator
16 shall have the care and custody of the seal;

17 [~~(4)]~~ (3) examine for, approve, deny, revoke,
18 suspend and renew the licensure of psychologist and
19 psychologist associate applicants as provided in the
20 Professional Psychologist Act;

21 [~~(5)]~~ (4) conduct hearings upon complaints
22 concerning the disciplining of a psychologist or psychologist
23 associate; and

24 [~~(6)]~~ (5) cause the prosecution and enjoinder
25 of all persons violating the Professional Psychologist Act and

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1 incur necessary expenses therefor.

2 C. Within sixty days after the close of each fiscal
3 year, the board shall submit a written ~~[or printed]~~ report,
4 reviewed and signed by the board members, to the governor
5 concerning the work of the board during the preceding fiscal
6 year. The report shall include the names of all psychologists
7 and psychologist associates to whom licenses have been granted;
8 any cases heard and decisions rendered in relation to the work
9 of the board; the recommendations of the board as to future
10 policies; the names, remuneration and duties of any employees
11 of the board; and an account of all money received and expended
12 by the board.

13 D. In carrying out its powers pursuant to this
14 section, the board shall use clerical, record-keeping and
15 administrative support staff hired by the regulation and
16 licensing department to which the board shall be
17 administratively attached."

18 Section 11. Section 61-9A-7 NMSA 1978 (being Laws 1993,
19 Chapter 49, Section 7, as amended) is amended to read:

20 "61-9A-7. BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--
21 COMPENSATION.--

22 A. There is created the "counseling and therapy
23 practice board" ~~[which is administratively attached to the~~
24 ~~department]~~.

25 B. The board shall consist of nine members who are

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1 United States citizens and have been New Mexico residents for
2 at least five years prior to their appointment. Of the nine
3 members:

4 (1) five members shall be professional
5 members, who shall be a professional mental health counselor, a
6 professional clinical mental health counselor, a marriage and
7 family therapist, a professional art therapist and an alcohol
8 and drug abuse counselor, licensed under the Counseling and
9 Therapy Practice Act and shall have engaged in a counselor and
10 therapist practice for at least five years. These members
11 shall not hold any elected or appointed office in any
12 professional organization of counseling, psychology or closely
13 related field during their tenure on the board, nor shall they
14 be school owners. The professional mental health counselor
15 shall also represent the registered independent and licensed
16 mental health counselors; and

17 (2) four members shall represent the public.
18 The public members shall not have been licensed or have
19 practiced as counselor or therapist practitioners or in any
20 other regulated mental health profession, nor have any
21 significant financial interest, either direct or indirect, in
22 the professions regulated.

23 C. All members of the board shall be appointed by
24 the governor for staggered terms of four years. Each member
25 shall hold office until his successor is appointed. Vacancies

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1 shall be filled in the same manner as original appointments.

2 [~~No~~] An appointee shall serve not more than two terms.

3 D. The governor may appoint professional board
4 members from a list of nominees submitted by qualified
5 individuals and organizations, including the New Mexico
6 counseling association, the New Mexico association for marriage
7 and family therapy, the New Mexico art therapy association and
8 the alcohol and drug directors association.

9 E. Members of the board shall be reimbursed as
10 provided in the Per Diem and Mileage Act and shall not receive
11 [~~no~~] other compensation, perquisite or allowance.

12 F. The board shall elect annually from its
13 membership a chairman and a secretary and other officers as
14 necessary to carry out its duties.

15 G. The board shall meet at least twice a year and
16 at other times deemed necessary. Other meetings may be called
17 by the chairman upon the written request of three members of
18 the board. A simple majority of the board members shall
19 constitute a quorum of the board. "

20 Section 12. Section 61-9A-9 NMSA 1978 (being Laws 1993,
21 Chapter 49, Section 9, as amended) is amended to read:

22 "61-9A-9. BOARD-- POWERS AND DUTIES. --

23 A. The board may:

24 (1) adopt in accordance with the Uniform
25 Licensing Act and file in accordance with the State Rules Act

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1 rules necessary to carry out the provisions of the Counseling
2 and Therapy Practice Act;

3 (2) select and provide for the administration
4 of, at least, semi annual examinations for licensure;

5 (3) establish the passing scores for
6 examinations;

7 (4) take any disciplinary action allowed by
8 and in accordance with the Uniform Licensing Act;

9 (5) censure, reprimand or place a licensee or
10 registrant on probation for a period not to exceed one year;

11 (6) require and establish criteria for
12 continuing education;

13 (7) establish by rule procedures for
14 receiving, investigating and resolving complaints;

15 (8) approve appropriate supervision and post-
16 graduate experience for persons seeking licensure or
17 registration;

18 (9) provide for the issuance of licenses and
19 certificates of registration;

20 (10) determine eligibility of individuals for
21 licensure or registration;

22 (11) set fees for administrative services,
23 licenses and registration, as authorized by the Counseling and
24 Therapy Practice Act, and authorize all disbursements necessary
25 to carry out the provisions of that act;

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1 (12) establish criteria for supervision and
2 supervisory requirements;

3 (13) establish a code of ethics; and

4 (14) establish committees.

5 B. The board may establish a standards committee
6 for each licensed profession. The members of each standards
7 committee shall be appointed by the board with the consent of
8 the department and shall include at least one board member from
9 the licensed profession and at least one public board member.
10 The board member representing each respective profession shall
11 chair its standards committee and the committee shall:

12 (1) recommend and periodically review a code
13 of ethics;

14 (2) review license applications and recommend
15 approval or disapproval;

16 (3) develop criteria for supervision; and

17 (4) recommend rules [~~and regulations~~].

18 C. Members of the standards committees or other
19 committees may be reimbursed as provided in the Per Diem and
20 Mileage Act, but shall not receive [~~no~~] other compensation,
21 perquisite or allowance. These members shall not hold [~~any~~] an
22 elected office in [~~any~~] a professional organization of
23 counseling, psychology or closely related field during their
24 tenure on the standards committees.

25 D. In carrying out its powers and duties pursuant

1 to this section, the board shall use clerical, record-keeping
2 and administrative support staff hired by the department to
3 which the board shall be administratively attached."

4 Section 13. Section 61-10-5 NMSA 1978 (being Laws 1933,
5 Chapter 117, Section 4, as amended) is amended to read:

6 "61-10-5. BOARD OF EXAMINERS--APPOINTMENT--TERMS--
7 MEETINGS--MEMBERSHIP--EXAMINATIONS.--

8 A. There is created the "board of osteopathic
9 medical examiners". The board consists of five members
10 appointed by the governor; three members shall be regularly
11 licensed osteopathic physicians in good standing in New Mexico,
12 who have been so engaged for a period of at least two years
13 immediately prior to their appointment and who are possessed of
14 all the qualifications for applicants for licensure specified
15 in Section 61-10-8 NMSA 1978, and two members shall represent
16 the public. The public members of the board shall not have
17 been licensed as osteopathic physicians, nor shall the public
18 members have any significant financial interest, direct or
19 indirect, in the occupation regulated.

20 B. Board members' terms shall be for five years.
21 The vacancy of the term of [~~any~~] a member shall be filled by
22 appointment by the governor to the unexpired portion of the
23 five-year term. A board member whose term has expired shall
24 serve until his successor is appointed.

25 C. The board shall meet during the first quarter of

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1 the fiscal year and shall elect officers for the ensuing fiscal
2 year. The board may hold other meetings as it deems necessary.

3 A majority of the board constitutes a quorum.

4 D. The board shall have and use a common seal and
5 is authorized to make and adopt all necessary rules and
6 regulations relating to the enforcement of the provisions of
7 Chapter 61, Article 10 NMSA 1978.

8 E. Examinations shall be made at least twice a year
9 at the time and place fixed by the board. All applicants shall
10 be given written notice of examinations at a reasonable prior
11 date.

12 F. Members of the board shall be reimbursed as
13 provided in the Per Diem and Mileage Act, but shall not receive
14 [no] other compensation, perquisite or allowance, for each day
15 necessarily spent in the discharge of their duties.

16 G. ~~[Any]~~ A board member failing to attend three
17 consecutive meetings, either regular or special, shall
18 automatically be removed as a member of the board.

19 H. The board shall use clerical, record-keeping and
20 administrative support staff hired by the regulation and
21 licensing department to which the board shall be
22 administratively attached."

23 Section 14. Section 61-11-6 NMSA 1978 (being Laws 1969,
24 Chapter 29, Section 5, as amended) is amended to read:

25 "61-11-6. POWERS AND DUTIES OF BOARD. --

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A. The board shall:

(1) adopt, amend or repeal rules and regulations necessary to carry out the provisions of the Pharmacy Act in accordance with the provisions of the Uniform Licensing Act;

(2) provide for examinations of applicants for licensure as pharmacists;

(3) provide for the issuance and renewal of licenses for pharmacists;

(4) require and establish criteria for continuing education as a condition of renewal of licensure for pharmacists;

(5) provide for the issuance and renewal of licenses for pharmacist interns and for their training, supervision and discipline;

(6) provide for the licensing of retail pharmacies, nonresident pharmacies, wholesale drug distributors, drug manufacturers, hospital pharmacies, nursing home drug facilities, industrial and public health clinics and all places where dangerous drugs are stored, distributed, dispensed or administered and provide for the inspection of the facilities and activities;

(7) enforce the provisions of all laws of the state pertaining to the practice of pharmacy and the manufacture, production, sale or distribution of drugs or

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1 cosmetics and their standards of strength and purity;

2 (8) conduct hearings upon charges relating to
3 the discipline of a registrant or licensee or the denial,
4 suspension or revocation of a registration or a license in
5 accordance with the Uniform Licensing Act;

6 (9) cause the prosecution of any person
7 violating the Pharmacy Act, the New Mexico Drug, Device and
8 Cosmetic Act or the Controlled Substances Act;

9 (10) keep a record of all proceedings of the
10 board;

11 (11) make an annual report to the governor;

12 [~~(12) appoint and employ, in the board's~~
13 ~~discretion, a qualified person who is not a member of the board~~
14 ~~to serve as executive director and define his duties and~~
15 ~~responsibilities; except that the power to deny, revoke or~~
16 ~~suspend any license or registration authorized by the Pharmacy~~
17 ~~Act shall not be delegated by the board;~~

18 [~~(13) appoint and employ inspectors necessary~~
19 ~~to enforce the provisions of all acts under the administration~~
20 ~~of the board, which inspectors shall be pharmacists and have~~
21 ~~all the powers and duties of peace officers;~~

22 [~~(14) provide for other qualified employees~~
23 ~~necessary to carry out the provisions of the Pharmacy Act;~~

24 [~~(15) have the authority to employ a competent~~
25 ~~attorney to give advice and counsel in regard to any matter~~

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1 ~~connected with the duties of the board, to represent the board~~
2 ~~in any legal proceedings and to aid in the enforcement of the~~
3 ~~laws in relation to the pharmacy profession and to fix the~~
4 ~~compensation to be paid to the attorney; provided, however,~~
5 ~~that the attorney shall be compensated from the money of the~~
6 ~~board, including that provided for in Section 61-11-19 NMSA~~
7 ~~1978;~~

8 ~~(16)~~ (12) register and regulate
9 qualifications, training and permissible activities of pharmacy
10 technicians;

11 ~~(17)~~ (13) provide a registry of all persons
12 licensed as pharmacists or pharmacist interns in the state;

13 ~~(18)~~ (14) adopt rules and regulations that
14 prescribe the activities and duties of pharmacy owners and
15 pharmacists in the provision of pharmaceutical care, drug
16 regimen review and patient counseling in each practice setting;
17 and

18 ~~(19)~~ (15) adopt, after approval by the New
19 Mexico board of medical examiners and the board of nursing,
20 rules and protocols for the prescribing of dangerous drug
21 therapy, including vaccines and immunizations, and the
22 appropriate notification of the primary or appropriate
23 physician of the person receiving the dangerous drug therapy.

24 B. The board may:

25 (1) delegate its authority to the executive

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1 director to issue temporary licenses as provided in Section
2 61-11-14 NMSA 1978; and

3 (2) provide by regulation for the electronic
4 transmission of prescriptions.

5 C. In carrying out its powers and duties pursuant
6 to this section, the board shall use clerical, record-keeping
7 and administrative support staff hired by the regulation and
8 licensing department to which the board shall be
9 administratively attached."

10 Section 15. Section 61-12A-9 NMSA 1978 (being Laws 1996,
11 Chapter 55, Section 9) is amended to read:

12 "61-12A-9. BOARD--POWERS AND DUTIES.--

13 A. The board shall:

14 (1) adopt, file, amend or repeal rules and
15 regulations in accordance with the Uniform Licensing Act to
16 carry out the provisions of the Occupational Therapy Act;

17 (2) use funds for the purpose of meeting the
18 necessary expenses incurred in carrying out the provisions of
19 the Occupational Therapy Act;

20 (3) adopt a code of ethics;

21 (4) enforce the provisions of the Occupational
22 Therapy Act to protect the public by conducting hearings on
23 charges relating to the discipline of licensees, including the
24 denial, suspension or revocation of a license;

25 (5) establish and collect fees;

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1 (6) provide for examination for and issuance,
2 renewal and reinstatement of licenses;

3 (7) establish, impose and collect fines for
4 violations of the Occupational Therapy Act;

5 (8) appoint a registrar to keep records and
6 minutes necessary to carry out the functions of the board; and

7 (9) obtain the legal assistance of the
8 attorney general.

9 B. The board may:

10 [~~(1) hire or contract with an attorney to give~~
11 ~~advice and counsel in regard to any matter connected with the~~
12 ~~duties of the board, to represent the board in any legal~~
13 ~~proceedings and to aid in the enforcement of the Occupational~~
14 ~~Therapy Act. The board shall set the compensation of the~~
15 ~~attorney to be paid from the funds of the board;~~

16 (2)] (1) issue investigative subpoenas for the
17 purpose of investigating complaints against licensees prior to
18 the issuance of a notice of contemplated action;

19 [~~(3) hire or contract with an investigator to~~
20 ~~investigate complaints that have been filed with the board.~~
21 ~~The board shall set the compensation of the investigator to be~~
22 ~~paid from the funds of the board;] and~~

23 [(4)] (2) inspect establishments [and

24 (5) designate hearing officers].

25 C. In carrying out its powers and duties pursuant

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1 to this section, the board shall use clerical, record-keeping
2 and administrative support staff hired by the regulation and
3 licensing department to which the board shall be
4 administratively attached."

5 Section 16. Section 61-12B-6 NMSA 1978 (being Laws 1984,
6 Chapter 103, Section 6, as amended) is amended to read:

7 "61-12B-6. DEPARTMENT--DUTIES AND POWERS.--

8 A. The department, in consultation with the board,
9 shall:

10 (1) evaluate the qualifications of applicants
11 and review the required examination results of applicants. The
12 department may recognize the entry level examination written by
13 the national board for respiratory care or a successor board;

14 (2) promulgate rules as may be necessary to
15 implement the provisions of the Respiratory Care Act;

16 (3) issue and renew licenses and temporary
17 permits to qualified applicants who meet the requirements of
18 the Respiratory Care Act; and

19 (4) administer, coordinate and enforce the
20 provisions of the Respiratory Care Act and investigate persons
21 engaging in practices that may violate the provisions of that
22 act.

23 B. The department, in consultation with the board,
24 may:

25 (1) conduct examinations of respiratory care

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1 practitioner applicants as required by rules of the department;

2 (2) reprimand, fine, deny, suspend or revoke a
3 license or temporary permit to practice respiratory care as
4 provided in the Respiratory Care Act in accordance with the
5 provisions of the Uniform Licensing Act;

6 (3) for the purpose of investigating
7 complaints against applicants and licensees, issue
8 investigative subpoenas prior to the issuance of a notice of
9 contemplated action as set forth in the Uniform Licensing Act;

10 (4) enforce and administer the provisions of
11 the Impaired Health Care Provider Act and promulgate rules
12 pursuant to that act;

13 (5) promulgate rules or disciplinary
14 guidelines relating to impaired practitioners;

15 (6) promulgate rules to allow the interstate
16 transport of patients; and

17 (7) promulgate rules to determine and regulate
18 the scope and qualifications for expanded practice for
19 respiratory care practitioners.

20 C. The board shall use clerical, record-keeping and
21 administrative support staff hired by the department to which
22 the board shall be administratively attached."

23 Section 17. Section 61-12C-7 NMSA 1978 (being Laws 1991,
24 Chapter 147, Section 7, as amended) is amended to read:

25 "61-12C-7. BOARD CREATED-- MEMBERSHIP. --

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1 A. The "massage therapy board" is created. [The
2 ~~board is administratively attached to the department.~~]

3 B. The board consists of five members who are New
4 Mexico residents. Members of the board shall be appointed by
5 the governor to terms of four years. The terms shall be
6 staggered, and the governor shall make appointments of two two-
7 year terms, two three-year terms and one four-year term, if
8 necessary, to produce staggered terms. Three members of the
9 board shall be massage therapists, each with at least five
10 years of massage therapy practice and who are actively engaged
11 in the practice of massage therapy during their tenure as
12 members. Two members of the board shall be public members who
13 have not been licensed and have no financial interest, direct
14 or indirect, in the profession of massage therapy.

15 C. Each member of the board shall hold office
16 until a successor has been appointed and qualified.

17 D. [No] A board member shall not serve more than
18 two full consecutive terms.

19 E. The board shall elect annually a chair and other
20 officers as it deems necessary. The board shall meet as often
21 as necessary for the conduct of business, but no less than
22 twice a year. Meetings shall be held in accordance with the
23 Open Meetings Act. Three members, at least one of whom must be
24 a public member, shall constitute a quorum.

25 F. A board member may be recommended for removal as

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1 a member of the board for failing to attend, after proper
2 notice, three consecutive board meetings.

3 G. Members of the board shall be reimbursed as
4 provided for nonsalaried public officers in the Per Diem and
5 Mileage Act and shall not receive [~~no~~] other compensation,
6 perquisite or allowance. "

7 Section 18. Section 61-12C-8 NMSA 1978 (being Laws 1991,
8 Chapter 147, Section 8, as amended) is amended to read:

9 "61-12C-8. BOARD POWERS. --

10 A. The board has the power to:

11 [~~A.-~~] (1) adopt and file, in accordance with
12 the State Rules Act, rules necessary to carry out the
13 provisions of the Massage Therapy Practice Act, in accordance
14 with the provisions of the Uniform Licensing Act;

15 [~~B.-~~] (2) provide for the evaluation of the
16 qualifications of applicants for licensure or registration
17 under the Massage Therapy Practice Act;

18 [~~C.-~~] (3) provide for the issuance of licenses
19 or registrations to applicants who meet the requirements of the
20 Massage Therapy Practice Act;

21 [~~D.~~] (4) provide for the inspection, when
22 required, of the business premises of any licensee or
23 registrant during regular business hours;

24 [~~E.-~~] (5) establish minimum training and
25 educational standards for licensure as a massage therapist or

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1 registration as a massage therapy instructor;

2 [F-] (6) pursuant to the Uniform Licensing
3 Act, conduct hearings on charges against applicants, licensees
4 or registrants and take actions described in Section 61-1-3
5 NMSA 1978;

6 [G-] (7) bring an action for injunctive relief
7 in district court seeking to enjoin a person from violating the
8 provisions of the Massage Therapy Practice Act;

9 [H-] (8) issue cease and desist orders to
10 persons violating the provisions of the Massage Therapy
11 Practice Act or any rule adopted by the board pursuant to that
12 act;

13 [I-] (9) adopt an annual budget;

14 [J-] (10) adopt a code of professional
15 conduct;

16 [K-] (11) provide for the investigation of
17 complaints against licensees; and

18 [L-] (12) publish, at least annually, combined
19 or separate lists of licensed massage therapists, registered
20 massage therapy instructors and registered massage therapy
21 schools.

22 B. In carrying out its powers pursuant to this
23 section, the board shall use clerical, record-keeping and
24 administrative support staff hired by the department to which
25 the board shall be administratively attached."

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1 Section 19. Section 61-12D-5 NMSA 1978 (being Laws 1997,
2 Chapter 89, Section 5) is amended to read:

3 "61-12D-5. POWERS AND DUTIES. --The board:

4 A. shall examine all applicants for licensure to
5 practice physical therapy and issue licenses or permits to
6 those who are duly qualified;

7 B. shall regulate the practice of physical therapy
8 by interpreting and enforcing the provisions of the Physical
9 Therapy Act, including taking disciplinary action;

10 C. may adopt, file, amend or repeal rules and
11 regulations in accordance with the Uniform Licensing Act to
12 carry out the provisions of the Physical Therapy Act;

13 D. may meet as often as [~~the board~~] it deems
14 necessary. A majority of the members constitutes a quorum for
15 the transaction of business. The board shall keep an official
16 record of all its proceedings;

17 E. may establish requirements for assessing
18 continuing competency;

19 F. may collect fees;

20 G. may elect such officers as it deems necessary
21 for the operations and obligations of the board. Terms of
22 office shall be one year;

23 H. shall provide for the timely orientation and
24 training of new professional and public appointees to the
25 board, including training in licensing and disciplinary

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1 procedures and orientation to all statutes, rules, policies and
2 procedures of the board;

3 ~~[I. may employ a director and other personnel to~~
4 ~~carry out the administrative work of the board;~~

5 ~~J. may hire an attorney to give advice and counsel~~
6 ~~in regard to any matter connected with the duties of the board,~~
7 ~~to represent the board in any legal proceedings and to aid in~~
8 ~~the enforcement of the Physical Therapy Act, and shall fix the~~
9 ~~compensation to be paid to such attorney;~~

10 ~~K.]~~ I. may establish ad hoc committees and pay per
11 diem and mileage to the members;

12 ~~[L.]~~ J. may enter into contracts;

13 ~~[M.]~~ K. shall report final disciplinary action
14 taken against a physical therapist or physical therapist
15 assistant to the national disciplinary database;

16 ~~[N.]~~ L. shall publish at least annually final
17 disciplinary action taken against any physical therapist or
18 physical therapist assistant; ~~[and~~

19 ~~θ.]~~ M. may prescribe the forms of license
20 certificates, application forms and such other documents as it
21 deems necessary to carry out the provisions of the Physical
22 Therapy Act; and

23 N. in carrying out its powers and duties pursuant
24 to this section, shall use clerical, record-keeping and
25 administrative support staff hired by the regulation and

1 licensing department to which it shall be administratively
2 attached. "

3 Section 20. Section 61-13-6 NMSA 1978 (being Laws 1970,
4 Chapter 61, Section 5, as amended) is amended to read:

5 "61-13-6. DUTIES OF THE BOARD. --It is the duty of the
6 board to:

7 A. formulate, adopt and regularly revise such rules
8 and regulations not inconsistent with law as may be necessary
9 to adopt and enforce standards for licensing nursing home
10 administrators and to carry into effect the provisions of the
11 Nursing Home Administrators Act;

12 B. approve for licensure applicants for:

13 (1) initial licensure;

14 (2) annual renewal of current, active

15 licenses;

16 (3) reciprocity;

17 (4) reinstatement of revoked or suspended

18 licenses; and

19 (5) reactivation of inactive or expired

20 licenses;

21 C. cause the prosecution or enjoinder of all
22 persons violating the Nursing Home Administrators Act and deny,
23 suspend or revoke licenses in accordance with the provisions of
24 the Uniform Licensing Act;

25 D. submit a written annual report to the governor

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1 and the legislature detailing the actions of the board and
2 including an accounting of all money received and expended by
3 the board;

4 ~~[E. employ such administrative personnel as may be~~
5 ~~necessary for the efficient operation of the Nursing Home~~
6 ~~Administrators Act; and~~

7 ~~F.]~~ E. maintain a register of licensees and a
8 record of all applicants for licensure received by the board;
9 and

10 F. in carrying out its duties pursuant to this
11 section, use clerical, record-keeping and administrative
12 support staff hired by the regulation and licensing department
13 to which it shall be administratively attached. "

14 Section 21. Section 61-14-5 NMSA 1978 (being Laws 1967,
15 Chapter 62, Section 4, as amended) is amended to read:

16 "61-14-5. BOARD--DUTIES. --

17 A. The board shall:

18 ~~[A.]~~ (1) examine and determine the
19 qualifications and fitness of applicants for a license to
20 practice veterinary medicine in New Mexico and issue, renew,
21 deny, suspend or revoke licenses;

22 ~~[B.]~~ (2) regulate artificial insemination and
23 pregnancy diagnosis by establishing standards of practice and
24 issuing permits to persons found qualified;

25 ~~[C.]~~ (3) establish a schedule of license and

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1 permit fees based on the board's financial requirements for the
2 ensuing year;

3 ~~[D.]~~ (4) conduct investigations necessary to
4 determine violations of the Veterinary Practice Act and
5 discipline persons found in violation;

6 ~~[E.] employ personnel necessary to carry out~~
7 ~~its duties;~~

8 ~~F.]~~ (5) promulgate and enforce [~~regulations~~]
9 rules necessary to establish recognized standards for the
10 practice of veterinary medicine and to carry out the provisions
11 of the Veterinary Practice Act. The board shall make available
12 to interested members of the public copies of the Veterinary
13 Practice Act and all [~~regulations~~] rules promulgated by the
14 board;

15 ~~[G.]~~ (6) examine applicants for veterinary
16 technician certification purposes. Such examination shall be
17 held at least once a year at the times and places designated by
18 the board;

19 ~~[H.]~~ (7) establish a five-member veterinary
20 technician examining committee;

21 ~~[I.]~~ (8) adopt [~~regulations~~] rules
22 establishing continuing education requirements as a condition
23 for license renewal; and

24 ~~[J.]~~ (9) regulate the operation of veterinary
25 facilities, including:

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1 [~~(1)~~] (a) establishing requirements for
2 operation of a veterinary facility in accordance with
3 recognized standards for the practice of veterinary medicine;

4 [~~(2)~~] (b) issuing permits to qualified
5 veterinary facilities; and

6 [~~(3)~~] (c) adopting standards for
7 inspection of veterinary facilities.

8 For purposes of this [~~subsection~~] paragraph, "veterinary
9 facility" means [~~any~~] a building, mobile unit, vehicle or other
10 location where services included within the practice of
11 veterinary medicine are provided.

12 B. In carrying out its duties pursuant to this
13 section, the board shall use clerical, record-keeping and
14 administrative support staff hired by the regulation and
15 licensing department to which it shall be administratively
16 attached. "

17 Section 22. Section 61-14A-7 NMSA 1978 (being Laws 1993,
18 Chapter 158, Section 15, as amended) is amended to read:

19 "61-14A-7. BOARD CREATED-- APPOINTMENT-- OFFICERS--
20 COMPENSATION.--

21 A. The "board of acupuncture and oriental medicine"
22 is created.

23 [~~B. The board is administratively attached to the~~
24 ~~regulation and licensing department.~~

25 ~~C.]~~ B. The board shall consist of seven members

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1 appointed by the governor for terms of three years each. Four
2 members of the board shall be doctors of oriental medicine who
3 have been residents of and practiced acupuncture and oriental
4 medicine in New Mexico for at least five years immediately
5 preceding the date of their appointment. Three members shall
6 be appointed to represent the public and shall not have
7 practiced acupuncture and oriental medicine in this or any
8 other jurisdiction or have any financial interest in the
9 profession regulated. ~~[No]~~ A board member shall not be the
10 owner, principal or director of an institute offering
11 educational programs in acupuncture and oriental medicine. No
12 more than one board member may be from each of the following
13 categories:

14 (1) a faculty member at an institute offering
15 educational programs in acupuncture and oriental medicine;

16 (2) a tutor in acupuncture and oriental
17 medicine; or

18 (3) an officer or director in a professional
19 association of acupuncture and oriental medicine.

20 ~~[D.]~~ C. Members of the board shall be appointed by
21 the governor for staggered terms of three years that shall be
22 made in such a manner that the terms of board members expire on
23 July 1. A board member shall serve until his successor has
24 been appointed and qualified. Vacancies shall be filled for
25 the remainder of the unexpired term in the same manner as the

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1 original appointment.

2 ~~[E.]~~ D. A board member shall not serve more than
3 two consecutive full terms, and a board member who fails to
4 attend, after he has received proper notice, three consecutive
5 meetings shall be recommended for removal as a board member
6 unless excused for reasons established by the board.

7 ~~[F.]~~ E. The board shall elect annually from its
8 membership a chairman and other officers as necessary to carry
9 out its duties.

10 ~~[G.]~~ F. The board shall meet at least once each
11 year and at other times deemed necessary. Other meetings may
12 be called by the chairman, a majority of board members or the
13 governor. A simple majority of the board members serving
14 constitutes a quorum of the board.

15 ~~[H.]~~ G. Members of the board shall be reimbursed as
16 provided in the Per Diem and Mileage Act and shall not receive
17 ~~[no]~~ other compensation, perquisite or allowance."

18 Section 23. Section 61-14A-8 NMSA 1978 (being Laws 1993,
19 Chapter 158, Section 16, as amended) is amended to read:

20 "61-14A-8. BOARD- - POWERS. - -

21 A. ~~[In addition to any authority provided by law]~~

22 The board has the power to:

23 ~~[A.]~~ (1) enforce the provisions of the
24 Acupuncture and Oriental Medicine Practice Act;

25 ~~[B.]~~ (2) adopt, publish and file, in

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1 accordance with the Uniform Licensing Act and the State Rules
2 Act, all rules necessary for the implementation and enforcement
3 of the provisions of the Acupuncture and Oriental Medicine
4 Practice Act;

5 [C.] (3) adopt a code of ethics;

6 [D.] (4) adopt and use a seal;

7 [E.] (5) inspect facilities of approved
8 educational programs, extern programs and the offices of
9 licensees;

10 [F.] (6) adopt rules implementing continuing
11 education requirements for the purpose of protecting the health
12 and well-being of the citizens of this state and maintaining
13 and continuing informed professional knowledge and awareness;

14 ~~[G.] employ such professional and clerical~~
15 ~~assistance as necessary to carry out the powers and duties of~~
16 ~~the board;~~

17 [H.] (7) issue investigative subpoenas for the
18 purpose of investigating complaints against licensees prior to
19 the issuance of a notice of contemplated action;

20 [I.] (8) administer oaths and take testimony
21 on any matters within the board's jurisdiction;

22 [J.] (9) conduct hearings upon charges
23 relating to the discipline of licensees, including the denial,
24 suspension or revocation of a license in accordance with the
25 Uniform Licensing Act; and

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1 [K-] (10) grant, deny, renew, suspend or
2 revoke licenses to practice acupuncture and oriental medicine
3 or grant, deny, renew, suspend or revoke approvals of
4 educational programs and extern programs in accordance with the
5 provisions of the Uniform Licensing Act for any cause stated in
6 the Acupuncture and Oriental Medicine Practice Act or the rules
7 of the board.

8 B. In carrying out its powers pursuant to this
9 section, the board shall use clerical, record-keeping and
10 administrative support staff hired by the regulation and
11 licensing department to which the board shall be
12 administratively attached. "

13 Section 24. Section 61-14B-9 NMSA 1978 (being Laws 1996,
14 Chapter 57, Section 9) is amended to read:

15 "61-14B-9. BOARD CREATED. --

16 A. There is created the "speech language pathology,
17 audiology and hearing aid dispensing practices board" [~~that~~
18 ~~shall be administratively attached to the department~~].

19 B. The board shall consist of ten members who have
20 been New Mexico residents for at least five years prior to
21 their appointment. Among the membership, two members shall be
22 licensed speech language pathologists, two members shall be
23 licensed audiologists, two members shall be licensed hearing
24 aid dispensers, one member shall be a licensed otolaryngologist
25 and three members shall represent the public and have no

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1 interest, direct or indirect, in the profession regulated.

2 C. The licensed members of the board shall not hold
3 any elected or appointed office in any related professional
4 organization. "

5 Section 25. Section 61-14B-11 NMSA 1978 (being Laws 1996,
6 Chapter 57, Section 11) is amended to read:

7 "61-14B-11. BOARD POWERS AND DUTIES. --The board shall:

8 A. adopt rules and regulations and establish policy
9 necessary to carry out the provisions of the Speech Language
10 Pathology, Audiology and Hearing Aid Dispensing Practices Act
11 in accordance with the Uniform Licensing Act;

12 B. adopt rules implementing continuing education
13 requirements;

14 C. adopt a code of ethics;

15 D. conduct hearings upon charges relating to the
16 discipline of licensees, including the denial, suspension or
17 revocation of a license in accordance with the Uniform
18 Licensing Act;

19 E. investigate complaints against licensees by
20 issuing investigative subpoenas prior to the issuance of a
21 notice of contemplated action;

22 ~~[F. hire staff as may be necessary to carry out the~~
23 ~~provisions of the Speech Language Pathology, Audiology and~~
24 ~~Hearing Aid Dispensing Practices Act;~~

25 ~~G.]~~ F. establish fees for licensure;

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1 ~~[H.]~~ G. provide for the licensing and renewal of
2 licenses of applicants; ~~[and~~

3 ~~[I.]~~ H. adopt rules that provide for licensure by
4 reciprocity, including temporary permits for speech language
5 pathologists, audiologists or hearing aid dispensers; and

6 I. in carrying out its powers and duties pursuant
7 to this section, use clerical, record-keeping and
8 administrative support staff hired by the department to which
9 the board shall be administratively attached. "

10 Section 26. Section 61-14D-7 NMSA 1978 (being Laws 1993,
11 Chapter 325, Section 7) is amended to read:

12 "61-14D-7. BOARD CREATED. --

13 A. There is created the "athletic trainer practice
14 board".

15 ~~[B. The board shall be administratively attached to~~
16 ~~the department.~~

17 ~~C.]~~ B. The board shall consist of five members
18 appointed by the governor for staggered terms of three years
19 each ~~[except that the initial board shall be appointed so that~~
20 ~~the term of one member expires June 30, 1994, the terms of two~~
21 ~~members expire June 30, 1995 and the terms of two members~~
22 ~~expire June 30, 1996]. Three of the members shall be athletic~~
23 ~~trainers licensed [under] pursuant to provisions of the~~
24 ~~Athletic Trainer Practice Act with at least three years~~
25 ~~experience in the profession in the state of New Mexico. One~~

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1 member shall be from each district and at least one member
2 shall be employed by a high school. Two members shall
3 represent the public and have no financial interest, direct or
4 indirect, in the occupation regulated. One public member shall
5 be from any area north of interstate 40 in the state and one
6 public member shall be from any area south of interstate 40 in
7 the state. Board members shall serve until their successors
8 have been appointed.

9 ~~[D.]~~ C. Members of the board shall be reimbursed as
10 provided in the Per Diem and Mileage Act and shall not receive
11 ~~[no]~~ other compensation, perquisite or allowance.

12 ~~[E.]~~ D. A simple majority of the board members
13 currently serving shall constitute a quorum of the board.

14 ~~[F.]~~ E. The board shall meet at least once a year
15 and at such other times as it deems necessary.

16 ~~[G.]~~ F. ~~[No]~~ A board member shall not serve more
17 than two consecutive terms. Any member failing to attend three
18 meetings, after proper notice, shall automatically be
19 recommended to be removed as a board member, unless excused for
20 reasons set forth in board regulations.

21 ~~[H.]~~ G. The board shall elect a chairman and other
22 officers as deemed necessary to administer its duties."

23 Section 27. Section 61-14D-9 NMSA 1978 (being Laws 1993,
24 Chapter 325, Section 9) is amended to read:

25 "61-14D-9. BOARD- - DUTIES- - AUTHORITY. - -

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1 A. In addition to any other authority provided by
2 law, the board shall have the authority to:

3 ~~[A.-]~~ (1) adopt and file, in accordance with
4 the State Rules Act, rules and regulations necessary to carry
5 out the provisions of the Athletic Trainer Practice Act, in
6 accordance with the provisions of the Uniform Licensing Act,
7 including the procedures for an appeal of an examination
8 failure;

9 ~~[B.-]~~ (2) establish fees;

10 ~~[C.-]~~ (3) approve administration of exams;

11 ~~[D.-]~~ (4) adopt rules implementing continuing
12 education requirements;

13 ~~[E.-]~~ (5) conduct hearings upon charges
14 relating to the discipline of licensees, including the denial,
15 suspension or revocation of a license; and

16 ~~[F.-]~~ (6) adopt a code of ethics.

17 B. In exercising its authority and carrying out its
18 duties pursuant to this section, the board shall use clerical,
19 record-keeping and administrative support staff hired by the
20 regulation and licensing department to which the board shall be
21 administratively attached."

22 Section 28. Section 61-14E-5 NMSA 1978 (being Laws 1983,
23 Chapter 317, Section 5) is amended to read:

24 "61-14E-5. BOARD--POWERS--DUTIES.--

25 A. The board shall, pursuant to the advice and

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1 recommendations of the advisory council and following the
2 procedures set forth in Section 74-1-9 NMSA 1978:

3 [A.] (1) adopt and promulgate such rules,
4 regulations and certification standards as may be necessary to
5 effectuate the provisions of the Medical Radiation Health and
6 Safety Act and to maintain high standards of practice; and

7 [B.] (2) adopt rules and regulations
8 establishing continuing education requirements as a condition
9 of certificate renewal for the purpose of protecting the health
10 and well-being of the citizens of New Mexico and promoting
11 current knowledge and practice regarding radiologic technology.

12 B. In carrying out its powers and duties pursuant
13 to this section, use clerical, record-keeping and
14 administrative support staff hired by the department to which
15 the board shall be administratively attached."

16 Section 29. Section 61-15-4 NMSA 1978 (being Laws 1931,
17 Chapter 155, Section 3, as amended) is amended to read:

18 "61-15-4. POWERS AND DUTIES OF THE BOARD. --

19 A. The board shall hold at least four regular
20 meetings each year. [Any] A board member failing to attend
21 three consecutive regular meetings is automatically removed as
22 a member of the board. A majority of [the] board members
23 constitutes a quorum.

24 B. A board member may participate in a meeting of
25 the board by means of a conference telephone or other similar

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1 communications equipment when it is otherwise difficult or
2 impossible for the member to attend the meeting in person if:

3 (1) each member participating by conference
4 telephone can be identified when speaking;

5 (2) all participants are able to hear each
6 other at the same time; and

7 (3) members of the public attending the
8 meeting are able to hear all board members who speak during the
9 hearing.

10 C. The board may establish committees to carry out
11 the provisions of the Architectural Act. The board or any
12 committee [~~thereof~~] of the board shall have the power to
13 subpoena any witness, to administer oaths and to take testimony
14 concerning matters within its jurisdiction. It is within the
15 jurisdiction of the board to determine and prescribe by
16 [~~regulations~~] rule the professional and technical
17 qualifications necessary for the practice of architecture in
18 New Mexico. The board shall adopt and have an official seal,
19 which shall be affixed to all certificates of registration
20 granted, and may make rules not inconsistent with law.

21 D. The board may offer, engage in and promote
22 educational and other activities as it deems necessary to
23 fulfill its duty to promote the public welfare.

24 E. The board may, for the purpose of protecting the
25 citizens of New Mexico and promoting current architectural

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1 knowledge and practice, adopt rules establishing continuing
2 education requirements as a condition of registration renewal.

3 F. Members of the board shall receive per diem and
4 mileage as provided in the Per Diem and Mileage Act and shall
5 not receive [~~no~~] other compensation, perquisite or allowance.
6 All expenses certified by the board as properly and necessarily
7 incurred in the discharge of its duties, including authorized
8 reimbursement and necessary expenses incident to cooperation
9 with like boards of other states, shall be paid by the state
10 treasurer out of the "fund of the board of examiners for
11 architects" on the warrant of the secretary of finance and
12 administration issued upon vouchers signed by the chair or the
13 chair's designee; provided, however, that at no time shall the
14 total warrants issued exceed the total amount of funds
15 accumulated under the Architectural Act. All money derived
16 from the operation of the Architectural Act shall be deposited
17 with the state treasurer, who shall keep the money in the fund
18 of the board of examiners for architects.

19 G. The board shall by rule provide for the
20 examinations required for registration. The board shall keep a
21 complete record of all examinations.

22 H. Upon application for registration, upon a
23 prescribed form and upon payment by the applicant of a fee set
24 by the board, the board shall consider the application and, in
25 cases as herein authorized, shall issue a certificate of

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1 registration as an architect to any person who submits evidence
2 satisfactory to the board that the person is fully qualified to
3 practice architecture.

4 I. It is the duty of the board to report to the
5 district attorney of the district where the offense was
6 committed any criminal violation of the Architectural Act.

7 J. The board may deny, review, suspend or revoke a
8 registration to practice architecture and may censure, fine,
9 reprimand and place on probation and stipulation any architect
10 in accordance with the Uniform Licensing Act for any cause as
11 stated in the Architectural Act.

12 K. The board, in cooperation with the state board
13 of [~~registration~~] licensure for professional engineers and
14 [~~land~~] surveyors and the board of landscape architects, shall
15 create a joint standing committee to be known as the "joint
16 practice committee". In order to safeguard life, health and
17 property and to promote public welfare, the purpose of the
18 committee is to promote and develop the highest professional
19 standards in design, planning and construction and the
20 resolution of ambiguities concerning the professions. The
21 composition of the committee and its duties and powers shall be
22 in accordance with identical resolutions adopted by each board.

23 L. In carrying out its powers and duties pursuant
24 to this section and Section 61-15-5 NMSA 1978, the board shall
25 use clerical, record-keeping and administrative support staff

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1 hired by the regulation and licensing department to which the
2 board shall be administratively attached."

3 Section 30. Section 61-17A-6 NMSA 1978 (being Laws 1993,
4 Chapter 171, Section 6, as amended) is amended to read:

5 "61-17A-6. BOARD CREATED-- MEMBERSHIP. --

6 A. The "board of barbers and cosmetologists" is
7 created. [~~The board shall be administratively attached to the~~
8 ~~regulation and licensing department.~~] The board shall consist
9 of nine members appointed by the governor. Members shall serve
10 three-year terms; provided that at the time of initial
11 appointment, the governor shall appoint members to abbreviated
12 terms to allow staggering of subsequent appointments.
13 Vacancies shall be filled in the manner of the original
14 appointment.

15 B. Of the nine members of the board, five shall be
16 licensed pursuant to the Barbers and Cosmetologists Act and
17 shall have at least five years' practical experience in their
18 respective occupations. Of those five, two members shall be
19 licensed barbers, two members shall be licensed cosmetologists
20 and one member shall represent school owners. The remaining
21 four members shall be public members. Neither the public
22 members nor their spouses shall have ever been licensed
23 pursuant to the provisions of the Barbers and Cosmetologists
24 Act or similar prior legislation or have a financial interest
25 in a school or establishment.

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1 C. Members of the board shall be reimbursed
2 pursuant to the Per Diem and Mileage Act and shall receive no
3 other compensation, perquisite or allowance.

4 D. The board shall elect from among its members a
5 chairman and such other officers as it deems necessary. The
6 board shall meet at the call of the chairman, not less than
7 four times each year. A majority of members currently serving
8 shall constitute a quorum for the conduct of business.

9 E. ~~[No]~~ A board member shall not serve more than
10 two full consecutive terms and any member who fails to attend,
11 after proper notice, three meetings shall automatically be
12 recommended for removal unless excused for reasons set forth by
13 board ~~[regulation]~~ rule. "

14 Section 31. Section 61-17A-7 NMSA 1978 (being Laws 1993,
15 Chapter 171, Section 7, as amended) is amended to read:

16 "61-17A-7. BOARD POWERS AND DUTIES. --

17 A. The board shall:

18 (1) adopt and file, in accordance with the
19 State Rules Act, rules ~~[and regulations]~~ necessary to carry out
20 the provisions of the Barbers and Cosmetologists Act;

21 (2) establish fees;

22 (3) provide for the examination, licensure and
23 license renewal of applicants for licensure;

24 (4) establish standards for and provide for
25 the examination, licensure and license renewal of ~~[manicurists]~~

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1 ~~pedicurists]~~ manicurist-pedicurists, estheticians and
2 electrologists;

3 (5) adopt a seal;

4 (6) furnish copies of rules [~~and regulations]~~
5 and sanitary requirements adopted by the board to each owner or
6 manager of an establishment, enterprise or school;

7 (7) keep a record of its proceedings and a
8 register of applicants for licensure;

9 (8) provide for the licensure of barbers,
10 cosmetologists, manicurist-pedicurists, estheticians,
11 electrologists, instructors, schools, enterprises and
12 establishments;

13 (9) establish administrative penalties and
14 fines;

15 (10) create and establish standards and
16 fees for special licenses;

17 [~~(11) hire an executive director and such~~
18 ~~other staff as is necessary to carry out the provisions of the~~
19 ~~Barbers and Cosmetologists Act;~~] and

20 [~~(12)]~~ (11) establish guidelines for schools
21 to calculate tuition refunds for withdrawing students.

22 B. The board may establish continuing education
23 requirements as requirements for licensure.

24 C. Any member of the board [~~its employees or~~
25 ~~agents]~~ may enter and inspect, or the board may effect an

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1 inspection of, any school, enterprise or establishment at any
2 time during regular business hours for the purpose of
3 determining compliance with the Barbers and Cosmetologists Act.

4 D. In carrying out its powers and duties pursuant
5 to this section, the board shall use clerical, record-keeping
6 and administrative support staff hired by the regulation and
7 licensing department to which the board shall be
8 administratively attached. "

9 Section 32. Section 61-23-10 NMSA 1978 (being Laws 1987,
10 Chapter 336, Section 10, as amended) is amended to read:

11 "61-23-10. DUTIES AND POWERS OF THE BOARD. --

12 A. It shall be the duty of the board to administer
13 the provisions of the Engineering and Surveying Practice Act
14 and to exercise the authority granted the board in that act.

15 [~~The board is authorized to engage such personnel, including an~~
16 ~~executive director, as it may deem necessary.~~]

17 B. The board shall have the power to adopt and
18 amend all bylaws and rules of procedure consistent with the
19 constitution and the laws of this state that may be reasonable
20 for the proper performance of its duties and the regulation of
21 its procedures, meeting records, examinations and the conduct
22 thereof. The board shall adopt and promulgate rules of
23 professional responsibility for professional engineers and
24 professional surveyors. All such bylaws and rules shall be
25 binding upon all persons licensed pursuant to the Engineering

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1 and Surveying Practice Act.

2 C. To effect the provisions of the Engineering and
3 Surveying Practice Act, the board may, under the chairperson's
4 hand and the board's seal, subpoena witnesses and compel the
5 production of books, papers and documents in any disciplinary
6 action against a licensee or a person practicing or offering to
7 practice without licensure. Any member of the board may
8 administer oaths or affirmations to witnesses appearing before
9 the board. If ~~[any]~~ a person refuses to obey ~~[any]~~ a subpoena
10 so issued or refuses to testify or produce any books, papers or
11 documents, the board may apply to a court of competent
12 jurisdiction for an order to compel the requisite action. If
13 ~~[any]~~ a person willfully fails to comply with such an order,
14 that person may be held in contempt of court.

15 D. The board may apply for injunctive relief to
16 enforce the provisions of the Engineering and Surveying
17 Practice Act or to restrain any violation of that act. The
18 members of the board shall not be personally liable under this
19 proceeding.

20 E. The board may subject an applicant for licensure
21 to such examinations as it deems necessary to determine his
22 qualifications.

23 F. The board shall create enforcement advisory
24 committees composed of licensees as necessary. Each committee
25 shall include at least four licensees in the same category as

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1 the respondent. An engineering enforcement advisory committee
2 shall have at least one licensee in the same branch as the
3 respondent. Enforcement advisory committees shall provide
4 technical assistance to the board and its staff. The board
5 shall select members from a list of volunteers submitting their
6 resumes and letters of interest.

7 G. ~~No~~ An action or other legal ~~proceedings~~
8 proceeding for damages shall not be instituted against the
9 board, any board member or an agent, an employee or a member of
10 an advisory committee of the board for any act done in good
11 faith and in the intended performance of any power or duty
12 granted pursuant to the Engineering and Surveying Practice Act
13 or for any neglect or default in the good faith performance or
14 exercise of any such power or duty.

15 H. The board, in cooperation with the board of
16 examiners for architects and the board of landscape architects,
17 shall create a joint standing committee to be known as the
18 "joint practice committee". In order to safeguard life, health
19 and property and to promote the public welfare, the committee
20 shall have as its purpose the promotion and development of the
21 highest professional standards in design, planning and
22 construction and the resolution of ambiguities concerning the
23 professions. The composition of the committee and its powers
24 and duties shall be in accordance with identical resolutions
25 adopted by each board.

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1 I. As used in the Engineering and Surveying
2 Practice Act, "incidental practice" shall be defined by
3 identical ~~[regulations]~~ rules of the board and the board of
4 examiners for architects.

5 J. In carrying out its duties and powers pursuant
6 to this section, the board shall use clerical, record-keeping
7 and administrative support staff hired by the regulation and
8 licensing department to which the board shall be
9 administratively attached."

10 Section 33. Section 61-24B-7 NMSA 1978 (being Laws 1985,
11 Chapter 151, Section 7, as amended) is amended to read:

12 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

13 A. promulgate rules necessary to effectuate the
14 provisions of the Landscape Architects Act;

15 ~~[B. employ such persons as necessary to carry out~~
16 ~~the provisions of the Landscape Architects Act;~~

17 ~~C.]~~ B. provide for the examination, registration
18 and re-registration of all applicants;

19 ~~[D.]~~ C. adopt and use a seal;

20 ~~[E.]~~ D. administer oaths and take testimony on
21 matters within the board's jurisdiction;

22 ~~[F.]~~ E. grant, deny, renew, suspend or revoke
23 certificates of registration to practice landscape architecture
24 in accordance with the provisions of the Uniform Licensing Act
25 for any cause stated in the Landscape Architects Act;

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1 ~~[G.]~~ F. conduct hearings upon charges relating to
2 discipline of a registrant or the denial, suspension or
3 revocation of a certificate of registration; ~~[and~~

4 ~~H.]~~ G. in cooperation with the state board of
5 examiners for architects and the state board of licensure for
6 professional engineers and surveyors, create a joint standing
7 committee to be known as the "joint practice committee" to
8 safeguard life, health and property and to promote the public
9 welfare. The committee shall promote and develop the highest
10 professional standards in design, planning and construction and
11 the resolution of ambiguities concerning the professions. The
12 composition of this committee and its powers and duties shall
13 be in accordance with identical resolutions adopted by each
14 board; and

15 H. in carrying out its powers and duties pursuant
16 to this section, use clerical, record-keeping and
17 administrative support staff hired by the regulation and
18 licensing department to which the board shall be
19 administratively attached. "

20 Section 34. Section 61-24C-5 NMSA 1978 (being Laws 1989,
21 Chapter 53, Section 5) is amended to read:

22 "61-24C-5. POWERS AND DUTIES OF THE BOARD. -- The board:

23 A. shall administer, coordinate and enforce the
24 provisions of the Interior Designers Act. The board may
25 investigate allegations of violations of the provisions of the

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1 Interior Designers Act;

2 B. shall adopt regulations to carry out the
3 purposes and policies of the Interior Designers Act, including
4 regulations relating to professional conduct, standards of
5 performance and professional examination and licensure,
6 reasonable license, application, renewal and late fees and the
7 establishment of ethical standards of practice for persons
8 holding a license to practice as an interior designer in New
9 Mexico;

10 ~~[C. may employ an executive director and other~~
11 ~~employees and fix their compensation;~~

12 ~~D. may contract with the regulation and licensing~~
13 ~~department to obtain office space and administrative services;~~

14 E.] C. shall require a licensee, as a condition of
15 the renewal of his license, to undergo continuing education
16 requirements as set forth in the Interior Designers Act;

17 ~~[F.] D.~~ shall maintain an official roster showing
18 the name, address and license number of each interior designer
19 licensed pursuant to the Interior Designers Act;

20 ~~[G.] E.~~ shall conduct hearings and keep records and
21 minutes necessary to carry out its functions;

22 ~~[H.] F.~~ may adopt a common seal for use by interior
23 designers; ~~[and~~

24 ~~F.] G.~~ shall do all things reasonable and necessary
25 to carry out the purposes of the Interior Designers Act; and

1 H. in carrying out its powers and duties pursuant
2 to this section, shall use clerical, record-keeping and
3 administrative support staff hired by the regulation and
4 licensing department to which the board shall be
5 administratively attached. "

6 Section 35. Section 61-28B-5 NMSA 1978 (being Laws 1999,
7 Chapter 179, Section 5) is amended to read:

8 "61-28B-5. BOARD- - POWERS AND DUTIES. - -

9 A. The board may:

10 ~~[(1) employ an executive director as an exempt~~
11 ~~employee and such other personnel as it deems necessary to~~
12 ~~carry out its duties;~~

13 (2)] (1) appoint committees or persons to
14 advise or assist it in carrying out the provisions of the 1999
15 Public Accountancy Act;

16 ~~[(3) retain its own counsel to advise and~~
17 ~~assist it in addition to advice and assistance provided by the~~
18 ~~attorney general;~~

19 (4)] (2) contract, sue and be sued and have
20 and use a seal;

21 ~~[(5)] (3) cooperate with the appropriate~~
22 ~~authorities in other states in investigation and enforcement~~
23 ~~concerning violations of the 1999 Public Accountancy Act and~~
24 ~~comparable acts of other states; and~~

25 ~~[(6)] (4) adopt and file in accordance with~~

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1 the Uniform Licensing Act and the State Rules Act rules to
2 carry out the provisions of the 1999 Public Accountancy Act,
3 including rules governing the administration and enforcement of
4 the 1999 Public Accountancy Act and the conduct of certificate
5 and permit holders.

6 B. The board shall maintain a registry of the names
7 and addresses of all certificate and permit holders.

8 C. In carrying out its powers and duties pursuant
9 to this section, the board shall use clerical, record-keeping
10 and administrative support staff hired by the regulation and
11 licensing department to which it shall be administratively
12 attached. "

13 Section 36. Section 61-29-4 NMSA 1978 (being Laws 1959,
14 Chapter 226, Section 3, as amended) is amended to read:

15 "61-29-4. CREATION OF COMMISSION-- POWERS AND DUTIES. --

16 There is created the "New Mexico real estate commission"
17 [~~called "the commission" in Chapter 61, Article 29 NMSA 1978~~].
18 The commission shall be appointed by the governor and shall
19 consist of five members who [~~shall~~] have been residents of the
20 state for three consecutive years immediately prior to their
21 appointment, four of whom [~~shall~~] have been real estate brokers
22 licensed in New Mexico and one of whom [~~shall be~~] is a member
23 of the public who has never been licensed as a real estate
24 broker or salesperson; provided not more than one member shall
25 be from any one county within the state. The members of the

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1 commission shall serve for a period of five years or until
2 their successors are appointed and qualified. Members to fill
3 vacancies shall be appointed for any unexpired term. The
4 governor may remove any member for cause. The commission shall
5 possess all the powers and perform all the duties prescribed by
6 Chapter 61, Article 29 NMSA 1978 and as otherwise provided by
7 law, and it is expressly vested with power and authority to
8 make and enforce any rules [~~and regulations~~] to carry out the
9 provisions of that article. Prior to any final action on any
10 proposed changes or amendments to the rules [~~and regulations~~]
11 of the commission, the commission may publish notice of the
12 proposed action in its official publication, distribute the
13 publication to each active licensee and give the time and place
14 for a public hearing on the proposed changes. The hearing
15 shall be held at least thirty days prior to any proposed final
16 action. Any changes or amendments to the rules [~~and~~
17 ~~regulations~~] shall be filed in accordance with the procedures
18 of the State Rules Act and shall become effective thirty days
19 after notification to all active licensees of the filing of the
20 changes or amendments. [~~The commission may employ any staff it~~
21 ~~deems necessary to assist in carrying out its duties and in~~
22 ~~keeping its records.~~] In carrying out its powers and duties
23 pursuant to this section, the commission shall use clerical,
24 record-keeping and administrative support staff hired by the
25 regulation and licensing department to which the board shall be

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1 administratively attached."

2 Section 37. Section 61-30-7 NMSA 1978 (being Laws 1990,
3 Chapter 75, Section 7, as amended) is amended to read:

4 "61-30-7. BOARD--POWERS--DUTIES.--The board shall:

- 5 A. adopt rules necessary to implement the
6 provisions of the Real Estate Appraisers Act;
- 7 B. establish educational programs and research
8 projects related to the appraisal of real estate;
- 9 C. establish the administrative procedures for
10 processing applications and issuing registrations, licenses and
11 certificates to persons who qualify to be registered, licensed
12 and certified real estate appraisers;
- 13 D. receive, review and approve applications for
14 state-registered real estate appraisers, state-licensed real
15 estate appraisers and each category of state-certified real
16 estate appraisers and, for state-licensed or -certified real
17 estate appraisers, prepare or supervise the preparation of
18 examination questions and answers and supervise grading of
19 examinations and enter into contracts with one or more
20 educational testing services or organizations for such
21 examinations;
- 22 E. define the extent and type of educational
23 experience, appraisal experience and equivalent experience that
24 will meet the requirements for registration, licensing and
25 certification under the Real Estate Appraisers Act after

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1 considering generally recognized appraisal practices and set
2 minimum requirements for education and experience;

3 F. provide for continuing education programs for
4 the renewal of registrations, licenses and certification that
5 will meet the requirements provided in the Real Estate
6 Appraisers Act and set minimum requirements;

7 G. adopt standards to define the education programs
8 that will meet the requirements of the Real Estate Appraisers
9 Act and will encourage conducting programs at various locations
10 throughout the state;

11 H. adopt standards for the development and
12 communication of real estate appraisals provided in the Real
13 Estate Appraisers Act and adopt rules explaining and
14 interpreting the standards after considering generally
15 recognized appraisal practices;

16 I. adopt a code of professional responsibility for
17 state-registered, -licensed and -certified real estate
18 appraisers;

19 J. comply with annual reporting requirements and
20 other requirements set forth in the federal real estate
21 appraisal reform amendments;

22 K. maintain a registry of the names and addresses
23 of the individuals who hold current registrations, licenses and
24 certificates issued under the Real Estate Appraisers Act;

25 L. establish procedures for disciplinary action in

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1 accordance with the Uniform Licensing Act against any applicant
2 or holder of a registration, license or certificate for
3 violations of the Real Estate Appraisers Act and any rules
4 adopted pursuant to provisions of that act; ~~and~~

5 M perform such other functions and duties as may
6 be necessary to carry out the provisions of the Real Estate
7 Appraisers Act; and

8 N. in carrying out its powers and duties pursuant
9 to this section, use clerical, record-keeping and
10 administrative support staff hired by the regulation and
11 licensing department to which the board shall be
12 administratively attached. "

13 Section 38. Section 61-31-7 NMSA 1978 (being Laws 1989,
14 Chapter 51, Section 7, as amended) is amended to read:

15 "61-31-7. BOARD CREATED. --

16 A. There is created the "board of social work
17 examiners".

18 ~~[B. The board shall be administratively attached to~~
19 ~~the department.]~~

20 ~~C.]~~ B. The board shall consist of seven members who
21 are representative of the geographic and ethnic groups within
22 New Mexico, who are United States citizens and who have been
23 New Mexico residents for at least five years prior to their
24 appointment. Of the seven members:

25 (1) four members shall have been engaged in

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1 social work practice for at least five years; at least two of
2 the four shall hold a master's degree in social work; and at
3 least two shall hold a bachelor's degree in social work from
4 schools of social work that are accredited by the council on
5 social work education. At least one of these members shall be
6 engaged primarily in clinical social work practice; one member
7 shall be engaged primarily in education; one member shall be
8 engaged primarily in administration or research in social work
9 practice; and at least one member shall be engaged primarily in
10 community organization, planning and development. These
11 members shall not hold office in any professional organization
12 of social workers during their tenure on the board; and

13 (2) three members shall represent the public.

14 The public members shall not have been licensed or have
15 practiced as social workers. Public members shall not have any
16 significant financial interest, whether direct or indirect, in
17 social work practice.

18 ~~[D.]~~ C. Members of the board shall be appointed by
19 the governor for staggered terms of three years. ~~[except that,~~
20 ~~in making the initial appointments, three members shall be~~
21 ~~appointed for terms ending June 30, 1990; three members for~~
22 ~~terms ending June 30, 1991; and four members for terms ending~~
23 ~~June 30, 1992]~~ Each member shall hold office until his
24 successor is appointed. Vacancies shall be filled for the
25 unexpired term in the same manner as original appointments.

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1 ~~[E.]~~ D. Except for the representatives of the
2 public on the board, the governor shall appoint board members
3 from a list of nominees submitted by social work organizations
4 and individual social work professionals.

5 ~~[F.]~~ E. Members of the board shall be reimbursed as
6 provided in the Per Diem and Mileage Act and shall receive no
7 other compensation, perquisite or allowance.

8 ~~[G.]~~ F. The board shall elect a chairman and other
9 officers as deemed necessary to administer its duties.

10 ~~[H.]~~ G. A simple majority of the board members
11 currently serving shall constitute a quorum of the board.

12 ~~[I.]~~ H. The board shall meet at least once a year
13 and at such other times as it deems necessary. Other meetings
14 may be called by the chairman upon the written request of a
15 quorum of the board.

16 ~~[J.]~~ I. The governor may remove any member from the
17 board for the neglect of any duty required by law, for
18 incompetence, for improper or unprofessional conduct as defined
19 by board ~~[regulation]~~ rule or for any reason that would justify
20 the suspension or revocation of his license to practice social
21 work.

22 ~~[K.—No]~~ J. A board member shall not serve more
23 than two consecutive terms, and any member failing to attend,
24 after proper notice, three ~~[executive]~~ consecutive meetings
25 shall automatically be removed as a board member, unless

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1 excused for reasons set forth in board regulations.

2 [~~L.~~] K. In the event of a vacancy for any reason,
3 the board secretary shall immediately notify the governor and
4 the board of the vacancy and the reason for its occurrence to
5 expedite the appointment of a new board member within a
6 six-month period.

7 L. The board shall keep a record of all proceedings
8 and make an annual report to the governor."

9 Section 39. Section 61-31-8 NMSA 1978 (being Laws 1989,
10 Chapter 51, Section 8) is amended to read:

11 "61-31-8. BOARD'S AUTHORITY AND DUTY. --

12 A. In addition to any authority provided by law,
13 the board shall have the authority to:

14 [~~A.~~] (1) adopt and file, in accordance with
15 the State Rules Act, rules [~~and regulations~~] necessary to carry
16 out the provisions of the Social Work Practice Act, in
17 accordance with the provisions of the Uniform Licensing Act,
18 including the procedures for an appeal of an examination
19 failure;

20 [~~B.~~] (2) select, prepare and administer, at
21 least annually, written examinations for licensure which shall
22 include a testing of the knowledge of New Mexico cultures;

23 [~~C.~~] (3) adopt a professional code of ethics;

24 [~~D.~~] (4) appoint advisory committees pursuant
25 to Section [~~19 of the Social Work Practice Act~~] 61-31-19 NMSA

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1 1978;

2 [E-] (5) conduct hearings on an appeal of a
3 denial of a license based on the applicant's failure to meet
4 the minimum qualifications for licensure. The hearing shall be
5 conducted pursuant to the Uniform Licensing Act;

6 [F-] (6) require and establish criteria for
7 continuing education;

8 [G-] (7) issue subpoenas, statements of
9 charges, statements of intent to deny licenses and orders and
10 delegate in writing to a designee the authority to issue
11 subpoenas, statements of charges and statements of intent to
12 deny licenses and establish procedures for receiving,
13 investigating and conducting hearings on complaints;

14 [H-] (8) approve appropriate supervision for
15 those persons seeking licensure as [an] independent social
16 [worker] workers;

17 [I-] (9) issue provisional licenses and
18 licenses based on credentials to persons meeting the
19 requirements set forth in the Social Work Practice Act;

20 [J-] (10) determine qualifications for
21 licensure;

22 [K-] (11) set fees for licenses as authorized
23 by the Social Work Practice Act and authorize all disbursements
24 necessary to carry out the provisions of the Social Work
25 Practice Act; and

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1 ~~[L. approve the selection of primary staff assigned~~
2 ~~to the board;~~

3 M.] (12) contract with the department for the
4 provisions of space ~~[and administrative support; and~~

5 N. ~~keep a record of all proceedings and shall make~~
6 ~~an annual report to the governor].~~

7 B. In exercising its authority and carrying out its
8 duty pursuant to this section, the board shall use clerical,
9 record-keeping and administrative support staff hired by the
10 department to which the board shall be administratively
11 attached. "

12 Section 40. Section 61-32-5 NMSA 1978 (being Laws 1993,
13 Chapter 204, Section 5, as amended) is amended to read:

14 "61-32-5. BOARD CREATED. --

15 A. There is created the "board of thanatopractice".

16 ~~[B. The board is administratively attached to the~~
17 ~~department.~~

18 C.] B. The board consists of six members. Three
19 members shall be funeral service practitioners who have been
20 licensed in this state for at least five years; two members
21 shall represent the public and shall not have been licensed for
22 the practice of funeral service or direct disposition in this
23 state or any other jurisdiction and shall not ever have had any
24 financial interest, direct or indirect, in any funeral,
25 commercial or direct disposition establishment or crematory;

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1 and one member shall be a licensed direct disposer or health
2 care practitioner who has been licensed in this state for at
3 least five years.

4 ~~[D.]~~ C. Members of the board shall be appointed by
5 the governor for terms of four years. Each member shall hold
6 office until his successor is duly qualified and appointed.
7 Vacancies shall be filled for any unexpired term in the same
8 manner as original appointments.

9 ~~[E.]~~ D. Members of the board shall be reimbursed as
10 provided in the Per Diem and Mileage Act and shall not receive
11 ~~[no]~~ other compensation, perquisite or allowance.

12 ~~[F.]~~ E. A simple majority of the board members
13 currently serving constitutes a quorum.

14 ~~[G.]~~ F. The board shall hold at least two regular
15 meetings each year and shall meet at such other times as it
16 deems necessary.

17 ~~[H. No]~~ G. A board member shall serve not more than
18 two full consecutive terms. The board shall recommend removal
19 of any board member who has three unexcused absences from
20 properly noticed meetings within a twelve-month period and may
21 recommend removal of a board member for any other just cause.

22 ~~[I.]~~ H. The board shall elect a chairman and other
23 officers as deemed necessary to administer its duties. "

24 Section 41. Section 61-33-4 NMSA 1978 (being Laws 1973,
25 Chapter 394, Section 4, as amended) is amended to read:

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1 "61-33-4. POWERS AND DUTIES OF COMMISSION. -- The
2 commission shall:

3 A. adopt regulations that classify public water
4 supply systems and public wastewater facilities into categories
5 for each type of utility based on:

6 (1) the size and type of system or facility;

7 (2) the capacity of the system or facility
8 based on the size of the serviced area and the number and size
9 of the users to be served;

10 (3) the type and character of the water or
11 wastewater to be treated; and

12 (4) [~~the~~] physical conditions affecting the
13 treatment plants, collection systems and distribution systems;

14 B. adopt regulations providing standards and
15 criteria for the certification of plant operators based on
16 their qualifications and their ability to supervise or operate
17 public water supply systems or public wastewater facilities of
18 the various classifications;

19 C. approve and accredit schools and training
20 programs designed to educate and qualify persons for
21 certification in one of the classifications of public water
22 supply system operator and public wastewater facility operator;

23 D. prepare and administer written and practical
24 examinations, based on nationally accepted standards, for
25 certification of applicants as operators for one of the

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1 facility classifications established under Subsection A of this
2 section;

3 E. enter into agreements, contracts or cooperative
4 arrangements with agencies of the federal, state or local
5 governments or other organizations or individuals under such
6 terms and conditions as the agency deems appropriate;

7 F. receive and accept financial and technical
8 assistance from the federal government and other public or
9 private agencies;

10 G. appoint a seven-member board from the certified
11 public water supply system operators and public wastewater
12 facility operators to function with the commission to establish
13 qualifications of operators, classify systems, adopt
14 regulations and advise the administration of the Utility
15 Operators Certification Act. Two board members selected by the
16 board shall sit as commission members on matters to which that
17 act is applicable; ~~[and]~~

18 H. adopt and file under the State Rules Act rules
19 ~~[and regulations]~~ necessary to carry out the provisions of the
20 Utility Operators Certification Act; and

21 I. in carrying out its powers and duties pursuant
22 to this section, use clerical, record-keeping and
23 administrative support staff hired by the regulation and
24 licensing department to which the commission shall be
25 administratively attached. "

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